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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas G.B. Mason et al. Examiner: Dung T. Nguyen
Serial No.: 10/049,362 Group Art Unit: 2828
Filed: February 6, 2002 Docket: G&C 30794.61-US-WO
Title: TUNABLE LASER SOURCE WITH INTEGRATED OPTICAL MODULATOR

DECLARATION OF GREGORY FISH UNDER 37 C.F.R. § 1.131

I, GREGORY FISH, declare as follows:

1. I am a named co-inventor on the patent application identified above, and am authorized by the Assignee to make this declaration.

2. Prior to September 2, 1999, we conceived the invention and thereafter diligently reduced it to practice in this country as evidenced by the following:

(a) We conceived the invention described in the above-identified patent application in this country prior to September 2, 1999, as evidenced by the "Disclosure and Record of Invention Form" document attached hereto as an exhibit. The "Disclosure and Record of Invention Form" document describes our invention, and fully supports the claims in the above-identified patent application.

(b) Although the dates on the "Disclosure and Record of Invention Form" document are redacted, the date of conception in item #5 on page 6, the date of first written record in item #6 on page 6 and the date of the first successful test in item #7 on page 6, are all prior to September 2, 1999.

(c) Development of the invention proceeded on a continuous basis from prior to September 2, 1999, eventually culminating in the filing of the United States Provisional Patent Application No. 60/152,432, on September 3, 1999, the PCT International Patent Application No. PCT/US00/23710 on August 29, 2000, and the above-identified United States Utility Patent Application No. 10/049,362 on February 6, 2002.

4. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3/28/05

Gregory Fish

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